

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAC ARTHUR HOWARD, JR.	CIVIL ACTION NO. 07-355-P
VERSUS	JUDGE WALTER
WARDEN VENETIA MICHAELS	MAGISTRATE JUDGE HORNSBY

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ Petitioner has previously filed an application for writ of habeas corpus attacking the conviction and sentence challenged herein. The previous application was denied and dismissed with prejudice on December 29, 2005. See Howard v. Warden, 05-cv-1134.

Before Petitioner can proceed with the instant application, he must move in the United States Court of Appeals for the Fifth Circuit for an order authorizing the district court to consider the application. 28 U.S.C. §2244(b)(3).

Accordingly, **IT IS HEREBY ORDERED** that this action is stayed for a period of sixty (60) days. Petitioner's failure to obtain authorization within that time from the United States Court of Appeals for the Fifth Circuit to proceed with this action will result in this action being stricken.

¹Petitioner filed this petition pursuant to 28 U.S.C. § 2241. However, this Court will consider his petition as one filed pursuant to 28 U.S.C. § 2254 because he challenges his state court conviction and sentence.

THUS DONE AND SIGNED, in chambers, at Shreveport, Louisiana, on this the 21st
day of May 2007.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE